UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,028	01/12/2001	Stuart Berkowitz	668437600004	1857

7590 04/20/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/760,028	BERKOWITZ ET AL.
	Examiner	Art Unit
	Thomas Duong	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 04142005

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the applicants Amendment filed on January 3, 2005.

Claims 1-41 are presented for further consideration and examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in
the United States.

3.   _Claims 1 and 27_ are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al.

(US005999612A).

4.   With regard to _claims 1 and 27,_ Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the*

     home-based broadband connection (cable network 21) to the Internet network;

     (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

     Dunn teaches of an adapter that includes ports for connecting to the Internet

     through the broadband network of the service provider and for connecting to the

     public switched telephone network (PSTN). Furthermore, the adapter allows

     telephone calls to be routed through the Internet or the PSTN telephony network.

- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN) (LEC/PSTN 28); and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 57-61; col.15, lines 39-57; fig.2)

  Dunn teaches of an adapter that includes ports for connecting to the Internet through the broadband network of the service provider and for connecting to the public switched telephone network (PSTN). Furthermore, the adapter allows telephone calls to be routed through the Internet or the PSTN telephony network.

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Dunn, col.2, lines 32-42; col.6, lines 65-67; col.7, lines 38-41; modules 54-57, fig.4)

  Dunn teaches of an adapter that includes microphone and speaker devices for providing telephone services through the Internet via the broadband network of the service provider or through the public switched telephone network (PSTN). Thus, Dunn suggests of speech engines to allow telephone calls to be routed through the Internet or the PSTN telephony network via the adapter. In addition, Dunn teaches of a *"voice codec [that] can convert telephone signals handled between interface 52 and other analog devices such as speaker and microphone into digital signals"* (Dunn, col.7, lines 38-41) as to enable a speech-based conversation to occur over the first connection port and/or second connection port.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. _Claims 1-41_ are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al.

(US005999612A) and in view of Vander Molen (US004520576).

7. With regard to _claims 1 and 27_, Dunn discloses,

-   _a first connection port to allow a speech-based conversation to occur over the_

    home-based broadband connection (cable network 21) to the Internet network;

    (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

    Dunn teaches of an adapter that includes ports for connecting to the Internet

    through the broadband network of the service provider and for connecting to the

    public switched telephone network (PSTN). Furthermore, the adapter allows

    telephone calls to be routed through the Internet or the PSTN telephony network.

-   _a second connection port to allow a speech-based conversation to occur over a_

    public switched telephone network (PSTN) (LEC/PSTN 28); and (Dunn, col.2,

    lines 16-27, lines 32-42; col.3, lines 57-61; col.15, lines 39-57; fig.2)

    Dunn teaches of an adapter that includes ports for connecting to the Internet

    through the broadband network of the service provider and for connecting to the

    public switched telephone network (PSTN). Furthermore, the adapter allows

    telephone calls to be routed through the Internet or the PSTN telephony network.

Even though Dunn implies the following limitation as seen in the 35 U.S.C. 102(b)

rejection above,

- *a plurality of speech engines that recognize speech and synthesize speech to
  allow the speech-based conversations to occur over the first connection port and
  the second connection port.*

The Examiner, in addition, present the teaching of Vander Molen, which teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to
  allow the speech-based conversations to occur over the first connection port and
  the second connection port.* (Vander Molen, col.2, lines 15-33; col.4, lines 7-34;
  col.7, lines 33-45)

Vander Molen teaches of conversational voice command control system for a

home appliance that includes speech recognition and synthesis modules. More

importantly, Vander Molen teaches of a *"master control microcomputer [that]*

receives input information from the speech recognition module ... and provides

the necessary inputs to the [appliance] control system" (Vander Molen, col.4,

lines 24-29). Thus, Vander Molen teaches of a microcomputer that receives

audile inputs, processes them, and *"upon recognition of a final spoken*

authorization in response to an audible inquiry, the [appliance] device is operated

in accordance with the selected parameters" (Vander Molen, col.7, lines 40-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine Vander Molen reference with Dunn reference to

enable the cable network providers to compete with the PSTN in offering telephony

services. By allowing for seamlessly and effective integration of the existing

telephony functions via speech recognition and synthesis modules, broadband

providers can offer telephony services over their broadband networks or the PSTN

network.

8.   With regard to *claims 2-5 and 28-29*, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

Furthermore, Van Molen discloses,

- *an appliance control software module that controls at least one home appliance*

    based upon the user's voice command. (Vander Molen, col.2, lines 15-33; col.4,

    lines 7-23)

    Vander Molen teaches of conversational voice command control system for a

    home appliance that includes speech recognition and synthesis modules.

9.   With regard to *claims 12-16*, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

Furthermore, Dunn discloses,

- *wherein the computer operates within a residential home of a user.* (Dunn, col.2,

    line 65 – col.3, line 4)

10.   *Claims 6-11 and 30-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dunn et al. (US005999612A), in view of Vander Molen (US004520576) and further in

view of Kurganov et al. (US006721705B2).

11.   With regard to *claims 6-11 and 30-32,* Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal*

  information from a software application based upon the personal software

  application voice command of the user.

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal*

  information from a software application based upon the personal software

  application voice command of the user. (Kurganov, col.2, lines 59-63; col.5, lines*

  48-53)

  Kurganov teaches of a system that includes a database containing user profile

  information to assist the system in searching and retrieving information according

  to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine Kurganov reference with Dunn and Vander

Molen references to enhance the system by including a database which contains

user profile information to assist the system in searching and retrieving information

according to the user's voice commands.

12.   *Claims 17-26 and 33-41* are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dunn et al. (US005999612A), in view of Vander Molen (US004520576) and further in

view of Ball et al. (US006600736B1).

13.   With regard to *claims 17-26 and 33-41,* Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn and Vander Molen do not explicitly disclose,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.* (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

Response to Arguments

14.   Applicant's arguments with respect to *claims 1 and 27* have been considered but they are not persuasive.

15.   With regard to *claims 1 and 27*, the Applicants point out that:

- *Moreover, the Dunn reference does not even disclose a plurality of speech engines that can recognize speech and synthesize speech. For example, modules 54-57 of figure 4 of the Dunn reference contain no functionality to recognize speech, such as to recognize/understand the spoken words of a speaker and to perform different operations based upon the recognized words.*

However, the Examiner finds that the Applicants' arguments are not persuasive and

maintains that Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the*

    home-based broadband connection (cable network 21) to the Internet network;

    (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

    Dunn teaches of an adapter that includes ports for connecting to the Internet

    through the broadband network of the service provider and for connecting to the

    public switched telephone network (PSTN). Furthermore, the adapter allows

    telephone calls to be routed through the Internet or the PSTN telephony network.

- *a second connection port to allow a speech-based conversation to occur over a*

    public switched telephone network (PSTN) (LEC/PSTN 28); and (Dunn, col.2,

    lines 16-27, lines 32-42; col.3, lines 57-61; col.15, lines 39-57; fig.2)

    Dunn teaches of an adapter that includes ports for connecting to the Internet

    through the broadband network of the service provider and for connecting to the

    public switched telephone network (PSTN). Furthermore, the adapter allows

    telephone calls to be routed through the Internet or the PSTN telephony network.

- *a plurality of speech engines that recognize speech and synthesize speech to*

    allow the speech-based conversations to occur over the first connection port and

    the second connection port. (Dunn, col.2, lines 32-42; col.6, lines 65-67; col.7,

    lines 38-41; modules 54-57, fig.4)

    Dunn teaches of an adapter that includes microphone and speaker devices for

    providing telephone services through the Internet via the broadband network of

    the service provider or through the public switched telephone network (PSTN).

    Thus, Dunn suggests of speech engines to allow telephone calls to be routed

through the Internet or the PSTN telephony network via the adapter. In addition,

Dunn teaches of a *"voice codec [that] can convert telephone signals handled*

between interface 52 and other analog devices such as speaker and microphone

into digital signals" (Dunn, col.7, lines 38-41) as to enable a speech-based

conversation to occur over the first connection port and/or second connection

port.

16.   With regard to <u>claims 1 and 27</u>, the Applicants point out that:

- *Applicant respectfully disagrees with the Examiner that the Vander Molen*

  reference discloses "the plurality of speech engines" limitations of claim 1.

However, the Examiner finds that the Applicants' arguments are not persuasive and

maintains that Vander Molen discloses,

- *a plurality of speech engines that recognize speech and synthesize speech to*

  allow the speech-based conversations to occur over the first connection port and

  the second connection port. (Vander Molen, col.2, lines 15-33; col.4, lines 7-34;*

  col.7, lines 33-45)

Vander Molen teaches of conversational voice command control system for a

home appliance that includes speech recognition and synthesis modules. More

importantly, Vander Molen teaches of a *"master control microcomputer [that]*

receives input information from the speech recognition module ... and provides

the necessary inputs to the [appliance] control system" (Vander Molen, col.4,

lines 24-29). Thus, Vander Molen teaches of a microcomputer that receives

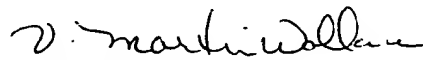audile inputs, processes them, and *"upon recognition of a final spoken*

authorization in response to an audible inquiry, the [appliance] device is operated

in accordance with the selected parameters" (Vander Molen, col.7, lines 40-43).

Conclusion

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is

set to expire THREE MONTHS from the mailing date of this action. In the event a first

reply is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

18.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thomas Duong whose telephone number is 571/272-3911. The

examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-

Wallace can be reached on 571/272-6159. The fax phone numbers for the organization

where this application or proceeding is assigned are 703/872-9306 for regular

communications and 703/872-9306 for After Final communications.

Thomas Duong (AU2145)

April 14, 2005

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